

1 IN THE UNITED STATES DISTRICT COURT

2 DISTRICT OF UTAH

3 CENTRAL DIVISION

4
5 UNITED STATES OF AMERICA,)

6 Plaintiff,)

7 vs.) Case No. 2:10-CR-688 TS

8 GUY ALMA REAM,)

9 Defendant.)

10 _____)

11
12 BEFORE THE HONORABLE TED STEWART

13 -----

14 March 31, 2011

15 Motion to Dismiss

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24 REPORTED BY: Patti Walker, CSR, RPR, CP

25 350 South Main Street, #146, Salt Lake City, Utah 84101

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A P P E A R A N C E S

For Plaintiff: Karin Fojtik, AUSA
185 South State Street, #300
Salt Lake City, Utah 84111

For Defendant: Guy Alma Ream
Pro Se
5415 South 4299 West
Kearns, Utah 84088

Standby Counsel: Robert Steele
UTAH FEDERAL DEFENDER OFFICE
46 West Broadway, #110
Salt Lake City, Utah 84101

1 SALT LAKE CITY, UTAH; THURSDAY, MARCH 31, 2011; 10:00 A.M.

2 PROCEEDINGS

3 THE COURT: We are here in the case of United
4 States of America vs. Guy Alma Ream. This is case
5 10-CR-688. Representing the United States is Ms. Karin
6 Fojtik. Mr. Ream is representing himself, although he is
7 assisted by Mr. Robert Steele as a standby counsel. The
8 purpose of this hearing is to hear argument on defendant's
9 motions that the Court has concluded are, in effect, motions
10 to dismiss.

11 Mr. Ream, if you would like to proceed with your
12 argument.

13 MR. REAM: Thank you, Your Honor.

14 I have prepared today just a 30-point argument
15 sheet. It's brief statements of point in argument made
16 relevant to the case. Most of them have been previously
17 stated in the case documentation. Some of them are new.
18 But it's just reduced to 30 points in an effort to maintain
19 reasonable content of motions and pleadings, which would be
20 30 pages. So this is just one page with 30 brief
21 statements. I'm going to run through that and explain
22 those.

23 THE COURT: Mr. Ream, would it be more convenient
24 for you to either come to the podium or to sit? I'm having
25 difficulty hearing you. If you would like to sit, that

1 would be fine with the Court.

2 MR. REAM: Thank you, Judge.

3 Okay. This 30-point statement sheet relevant to
4 maximum content or full content for pleadings and motions is
5 to just prove points of the defense and consider violations
6 of the government, whether ignorant or intentional. It's
7 just -- also ultimately pursuant to a motion to dismiss
8 today.

9 Disproven or eliminated intent of threat and a
10 tantrum was under control prior to the police ever arriving.
11 The defense was waiting by himself of his own volition in
12 the office or the hall of the post office for the police to
13 show up after an instance of contumely, excited utterance.
14 I did get out of hand. I was belligerent with my right for
15 freedom.

16 Two, positive pursuit of correspondence was the
17 intent of the defendant that day, to retrieve mail,
18 correspondence from a previous pending case. A 30-day
19 limitation was broken. The defendant had a conviction on
20 that limitation and accused the post office of infidel --
21 infidelity of their duties to retain or offer the mail into
22 my post office box. I know that the courts usually don't
23 violate the limitations. They are very good at that because
24 they know it's potentially harmful to any litigation. My
25 conviction did get the best of me that day.

1 Number three, false pretenses of threat. Lack of
2 premeditation. I didn't expect to lose my temper. I have
3 been very good with that in my adult life so far, up to this
4 point. My temper hasn't been an issue in my adult life.

5 Number four, incident invoked by judicial
6 disregard and breach of duty to meet limitation.

7 Number five, government circumstantial duress.
8 Spontaneous excited utterance was the only mouth action of
9 the defendant. And the government took advantage of that,
10 charged him with a serious federal crime, arbitrarily
11 arrested him on the day in question -- well, the day no
12 longer in question because it was served as a disorderly
13 conduct.

14 Number six, bad faith against rights. The
15 government acted in bad faith. The incident was without
16 tribulation and hardship. Nobody was hurt. There was
17 minimal property damage. Somebody angrily spilling
18 somebody's coffee, although it burned nobody, I was charged
19 with a serious crime.

20 Number seven. Later I was kidnapped and abducted
21 from a positive employment association for the negative
22 cause violating my rights and double jeopardy,
23 constitutional immunity.

24 Number eight, government violation against freedom
25 of speech was the construed --

1 THE COURT: Excuse me, Mr. Ream. If I may, could
2 I get you to go back to -- the issue of double jeopardy was
3 not clear to me from your written memorandum. I'm not sure
4 that I understand it. Could you explain that a little bit?

5 MR. REAM: Yes, I could elaborate for you. I
6 would just like to say that double jeopardy is a highly
7 controversial subject in legal matters nowadays because of
8 wont of prosecution and need for protection of rights. Both
9 are very heated passions of a litigant, and I feel that
10 jeopardy and beyond jeopardy is when a person has been
11 deprived of life, liberty and property by incarceration for
12 more than 24 hours. In this case, it was four days, expired
13 a federal detainer, a 72-hour detainer for people that are
14 not on probation. It's a five-day detainer for people that
15 are. I expired my detainer in a position of hardship. I
16 believe that's in the motion to dismiss that was submitted.

17 THE COURT: Thank you.

18 MR. REAM: The government's violation of freedom
19 of speech, contumely, excited utterance. It was construed
20 of an immunity, and that's wrong. You can't construe a
21 crime out of a right, protected interest.

22 Number nine, fictitious charges, false indictment,
23 violation of 12(b)(3), Federal Rule of Criminal Procedure
24 12(b)(3). False information, it's just where a
25 government -- no need for it. It was rather needless other

1 than the cause for somebody to busy themselves negatively
2 and conflicting rights.

3 Number ten, government violation against Universal
4 Declaration of Human Rights. 11(2) penal offense.
5 Omissions that did not constitute a penal offense nor can a
6 penalty be applied, if necessary, at the time of the penal
7 offense. I think that's pretty self-explanatory.

8 Number 11, the case is without federal
9 jurisdiction. The government is lacking contestability by
10 the First and Ninth Amendment for cause of double positive
11 and therefore contorted and construed into a negative of
12 charges. In the First Amendment it states expressly that
13 the freedom of speech is not to be abridged, abridged being
14 the key word. In the Ninth Amendment it states expressly
15 that certain rights are not to be construed to deny or
16 disparage other rights retained by the people. And these
17 two positives of rights --

18 THE COURT: Mr. Ream, why don't you wait until you
19 take a sip of water there.

20 MR. REAM: Thank you. Excuse me.

21 These two positives of right construed in
22 abridgment under express meaning in the constitutional
23 provision are a double positive. It's contorted and
24 perverted into a negative of a federal crime.

25 Number 12, government violation of double

1 jeopardy, twice beyond jeopardy. Four days initially. 57
2 days later wrested or abducted from my employee association.
3 And 200 plus days in double jeopardy now.

4 Number 13, documentary and physical evidence is
5 contradictory to government accusations and findings.
6 Everything that the defense has presented has been
7 disregarded, just ignored. I don't know whether by
8 belligerence or by a typical procedure and practice, you
9 know, just the norms of the court to ignore when rights are
10 in question or a violation is on the table. But I feel that
11 I was done wrong by the prosecutrix and by the previous
12 magistrate, you know. The final related to this paragraph
13 would be that I wanted to be released according to my own
14 effects of the Fourth Amendment with promise to appear
15 pretrial, and he denied me that release and just disregarded
16 that ethical canon of law, and I have no idea why. There is
17 no reason or cause of logical process to be considered. I
18 mean I have been very, very good with my independence within
19 the last ten years of my life.

20 This is also a violation of Rule 12(b)(4)(D). The
21 government must state an essential basis for rulings on
22 motions.

23 Number 14, government prejudice speculation. The
24 irrelevant scar. There are a million other reasons why a
25 person would commit a crime than the mental instability or

1 insanity. That's pretty much a last resort for somebody
2 who's bald-faced guilty, in my opinion.

3 Number 15, abuse of procedure by illicit
4 recommendation, obstructing defense. Just the Sixth
5 Amendment right to have all considerations necessary for his
6 defense. And I haven't had any of those considerations.
7 I've been denied a lot of them up to this point. I
8 appreciate you, Judge, for hearing the motion today. I
9 usually don't get a chance to speak in the hearings. It's
10 rush in, rush out, a plea bargain, or jail time ultimatums,
11 and it's been quite annoying.

12 Sixteen, government imposed fictitious findings,
13 12(b)(4)(D). Violation of Rule 12(b)(4)(D) of federal
14 criminal procedure. The 12(b)(4)(D) is the government must
15 have -- I just stated. I don't know how -- I'm getting kind
16 of rattle brained and parched. Excuse me. Full content
17 motion is a lot, isn't it?

18 12(b)(4)(D), government must state an essential
19 basis for findings, rulings on motions. There was no
20 essential basis to impose an illicit prison number on the
21 defendant in this case, Your Honor. I believe anybody would
22 be extremely offended at that, to have to go and deal with
23 federal convicts and be imposed to a prison number and
24 subject to all the rules and regulations of the federal
25 facility.

1 Seventeen, defense previously expired a federal
2 detainer for charges for 72 hours of a detainer for somebody
3 that's without previous felonies or on probation.

4 Eighteen, false classification and findings. It's
5 a violation of Rule 12(b)(4)(G), which is custody and
6 release status. The defendant was always in a status of
7 release from arraignment. If I would have pled my case
8 competently or been prepared, I probably could have been
9 released. Now I've done seven months needlessly.

10 Nineteen, defense's notice of provisional
11 injunction was according to rights consciousness. It wasn't
12 issued for a motion to dismiss or support of a motion to
13 dismiss. I was angry. I was in a federal facility. I was
14 extremely oppressed. I was beyond aggravation. I was
15 demoralized and I was -- I was very assertive and couth in
16 my writing of this motion. And it may look like a tragic
17 piece of mutilation because of the lack of technology I had
18 to perform that motion. But the motions are always much
19 better on computer. I did get that motion in in assertive
20 progression according to rights consciousness.

21 Number 20, spurious representation of maximum
22 penalty for false charges. The defense also in the pursuit
23 of the conviction and the job, I don't -- I'm glad I don't
24 have her job. She is destined, determined and required to
25 make convictions, and I believe this got away with her in

1 this case. She misrepresented the maximum on a penalty of a
2 charge that I'm not even guilty of or haven't been proven
3 guilty of. You know, innocent until proven guilty. I feel
4 that's really dangerous when somebody misrepresents a
5 maximum on a charge that isn't even feasible. It makes it
6 look very serious against the individual and probably part
7 of the violation of the prison evaluation.

8 Twenty-one, government abused subsection 115
9 creating law arbitrary by a malicious opposite designated
10 purpose. I believe that the intended purpose -- this is
11 opinionative, this isn't fact, but I believe the intended
12 purpose of Section 115 is to diminish serious crimes into a
13 threat. You know, where people did have actual cause or
14 justification of minimal merit, they can diminish it into
15 Section 115 and give them a threat, give them a sentence of
16 a threat rather than a serious crime of assault or, you
17 know, intent to kill or whatever else there is within that
18 title. But the malicious opposite happened here because of
19 Section 115 was construed of constitutional immunity. I
20 didn't make any physical contact. I didn't make any direct
21 or premeditated statements to the effect of trying to
22 assault or kill anybody. It was a ridiculous instance. I
23 was trying to retrieve a piece of mail that was not
24 available. And it was a terrible fortuitous mishap.

25 Number 22, right not to be tried by the Tenth

1 Amendment impediment against Section 115. This Tenth
2 Amendment would include the powers of the state stated under
3 the Tenth Amendment, that all the powers are not delegated
4 by the Constitution to the United States, relatively belong
5 to the states or to the people and remanded to the states or
6 to the people. I don't recall exactly how that goes, but
7 something to that effect. And the impediment against it is
8 obvious for the cause of double jeopardy, the First and
9 Ninth Amendment immunity. So kind of ties in together.

10 Twenty-three, violation of Universal Declaration
11 of Human Rights, Article 5, arbitrary arrest, detention and
12 exile for 200 plus days. And these are all just statements
13 that would warrant a dismissal for this case. I hate to
14 drive it this hard and this long. It's been a long seven
15 months.

16 Twenty-four, falsification of mental eval
17 justification. In the rebuttal of Ms. Fojtik is the case
18 law doesn't even have the same instance of relevancy for
19 initiation. The defense recommended the evaluations in
20 these cases she's talking about, according to this sanity
21 defense under 12.2 and the other provision, 4241, I believe
22 it is. But the defense recommended them. In this case, the
23 prosecution usurped the powers of the defense and imposed
24 this evaluation.

25 Twenty-five, subterfuge of double jeopardy, absent

1 of situation, the case law on this case is irrelevant. And
2 in one case she proposes to be supportive of argument
3 doesn't even raise the case of double jeopardy because the
4 defendant was booked and released within three hours. So he
5 didn't even serve the minimum requirement to be considered
6 jail time, which is 24 hours. It's kind of moot there in
7 that case, Gutierrez vs. the United States. The other one,
8 Wampler, was against a company for tax evasion, or to some
9 effect. And it was totally irrelevant to my situation of
10 double jeopardy also. And by violation of Rule 12(b)(3)(A),
11 a faulty prosecution.

12 Twenty-six, violation of the legal overbreadth
13 doctrine. In a motion to dismiss, I believe I met the
14 procedural contraband. That would be according to legal
15 overbreadth. Anything that's construed of rights to deny or
16 disparage any other rights can be struck down on its face
17 because of its chilling effect. Anything that violates
18 rights and is insignificant of offense, it's only logical
19 that it be thrown out. This type of procedure happens all
20 the time under ignorant or inadequate representation.

21 Twenty-seven, government instigation of barratry,
22 demand for conviction. I mean this is extremely offensive
23 to an individual when a prosecution demands a conviction to
24 the persistent extent of the current prosecutrix.

25 Twenty-eight, disregard for ethical canons

1 represented by the defense. This is what I was referring to
2 as Magistrate Nuffer disregarded the ethical canons, that
3 was very long in a way and expected for my release in my
4 last hearing. I was extremely disturbed and acquiesced to
5 his ruling on that.

6 Twenty-nine, security of papers. Violation of
7 personal security by the Fourth Amendment, twice by the BOP
8 and the U.S. Marshals taking my documents so I can't study
9 the case. I can't review the case. I can't put together a
10 logical, legal argument. Obstructing my defense is
11 crippling my capabilities to defend myself, which I
12 desperately need in a situation of little or no collateral.

13 Number 30, government's entire federal procedure
14 is defunct, reverse integration of collusion by moral
15 turpitude and prejudice against nearly all constitutional
16 and human rights. And I believe all the statements made in
17 the motion to dismiss or the memorandum would be what I am
18 referring to as a motion to dismiss because the motion to
19 dismiss never existed. It was a comity on a single page
20 filing for the prosecution to get the hint, but they did not
21 receive that, that judgment.

22 These seven statements that go a little bit, I
23 guess they are about the same as what I have been
24 expressing. They just haven't been expressed in previous
25 documentation. This is the complete argument for the motion

1 to dismiss. The pleadings of January 26th, 2011, notice of
2 provisional injunction, are made in result of hideous and
3 extreme violation of defendant's rights, constitutional and
4 human, and not to be construed as exchangeable for
5 dismissal, although dismissal would diminish barratry
6 enacted by the prosecutrix.

7 Number two, because there is no reasonable,
8 feasible or legal cause for prosecution to persist in abuse
9 of process by pursuit of case 2:10-CR-688, she's now
10 performed complete reverse integration by falsification of
11 evidence standards in presenting reverse sinarial and
12 circumstantially absent case law for justification of
13 prejudice and willful disregard. And I mean there is no
14 justification. I'm sure we all wish there was at times.

15 That the question or point of mental evaluation to
16 determine competency to stand trial is moot or redundant
17 from the beginning for preemptive representation of right
18 not to be tried or contestability clauses of the First or
19 Fifth Amendment and for cause of beyond jeopardy, or post
20 retribute for four days served in Salt Lake County Jail for
21 disorderly dis-validating or discrediting case 2:10-CR-688,
22 and the case is currently without merit.

23 Considering all case law offered in improvident
24 response to motion to dismiss, the closest to anything
25 logically pertinent or consistent is those of the threat

1 category. Closest thing to anything logically pertinent or
2 consistent is those of the threat category, which are still
3 drastically irrelevant by lack of premeditated or functional
4 intent. These cases are also void of proper rights
5 representation. In my opinion, I believe that the cases
6 didn't get the proper representation and that's why they
7 were convicted of these crimes of threat, just construed
8 constitutional immunity. Not to the extent I have, of
9 course. They had a little bit more culpability, but I
10 believe they could have been represented better. I believe
11 they should be criticized against Section 115.

12 The ignorant and belligerent persistence of
13 pursuing it by the prosecutrix in this case presents -- is a
14 shockingly insulting -- represents a shockingly and
15 insulting aspect to all American rights and liberties in
16 complete disregard for hardship inflicted and continued
17 incarceration against the defendant by incompetent logic,
18 rendering moral turpitude in a draconian extreme of
19 prejudice and discrimination against equal rights.

20 Because Article 11.2, Universal Declaration of
21 Human Rights, states that no one be held guilty of a penal
22 offense for any acts or omissions that did not constitute a
23 penal offense.

24 THE COURT: Mr. Ream, you need to slow down a bit.
25 Keep in mind that the court reporter needs to be able to

1 record what you are saying. When you speed up, it makes it
2 difficult.

3 MR. REAM: The reference is probably not exactly
4 correct in my recall of memory because I haven't had access
5 to curriculum to study to make sure, but this is how I
6 remembered it. So Article 11.2, Universal Declaration of
7 Human Rights.

8 The malfeasant case brought by the prosecutrix is
9 not only a hideous and redundant violation of the Article
10 11.2, Universal Declaration of Human Rights, but also a
11 refutable case of circumstantial duress. She's taken
12 advantage of my misfortune along with others involved.

13 Ultimately, if the prosecutrix, moreover the
14 Court, does not recurringly -- excuse me. Let me start
15 over.

16 Ultimately, if the prosecutrix, moreover the
17 Court, does recurringly refuse to dismiss the present case,
18 the defense represents previous provisional injunction and
19 submits retraxit of motion to dismiss, along with other
20 documents to be served by the presiding justice, or the
21 Court, to the prosecution. Also, the defense remands the
22 right to a speedy and requests that case 2:10-CR-688 be
23 fast-tracked or expedited accordingly. That would be all I
24 have.

25 THE COURT: All right, Mr. Ream. Thank you very

1 much.

2 Ms. Fojtik.

3 MS. FOJTIK: Your Honor, I would ask the Court to
4 direct me if I'm not heading in the right direction. I
5 think generally it comes back to the three issues we've
6 raised in our response to the motion to suppress, which is
7 Mr. Ream's concern with the fact that he was arrested on
8 state charges. Those were never filed. He did a period of
9 incarceration on those before they were filed. Then he was
10 subsequently arrested on federal charges, and his objection
11 that this is a violation of his rights, a double jeopardy
12 violation.

13 As we've indicated in our pleading and we've
14 indicated in court, jeopardy never attached in the state
15 case. There was no jury impaneled. He was never brought
16 before a Court. Nothing happened on those cases. They were
17 dismissed. Our prosecution followed subsequently.

18 Also, we've discussed there is a unique federal
19 interest in this case. It occurred at a post office. It
20 occurred in relation to federal employees. So that makes it
21 relevant for the government's purview on that particular
22 issue.

23 And I think the case law recited, and I think the
24 Court is well aware, this is not a double jeopardy
25 violation. We have behaved appropriately. We've filed the

1 appropriate charges based on the probable cause that was
2 brought to the government.

3 As to the second issue, the fact that Mr. Ream had
4 no contact with the victim, while I understand and I hear
5 Mr. Ream's concerns that he did not have the intent to kill
6 someone, he certainly -- and I think this is also noted in
7 case law -- his behavior, how he behaved, not just the words
8 articulated, but his behavior in that post office affected a
9 large number of people. There were people in the post
10 office. There was staff.

11 So his own personal subjective intent, he needs to
12 look beyond that. What did the person behind the counter
13 think? What did the person next to him in line think? They
14 can't read his mind. They can only look at his behavior.
15 That's what we respond to, their reactions to his behavior.
16 And that's where, and the case law supports, an intent can
17 be inferred from everything around the defendant as
18 behavior.

19 And we believe, should this go to trial, the fact
20 that he had no contact with the victim is irrelevant. The
21 fact that he scared people is. And that's what the evidence
22 we believe will show at trial. We believe, more
23 importantly, that supports the filing of these particular
24 charges in this particular case.

25 As to his contentions that this conduct and his

1 behavior is somehow protected by the First Amendment, you
2 know, it goes to the old adage, if you yell fire in a
3 crowded theater, you can't be in a public space and cause
4 people to have fear. That's the basis of these charges.
5 That conduct is not protected by the First Amendment.
6 That's what causes these conducts here today.

7 As to the competency evaluation and the decision
8 to impose -- request a competency evaluation, there's a
9 great deal of information in both the Court's docket and in
10 the information the government has provided about Mr. Ream's
11 behavior in court. Judge Nuffer specifically noted during
12 several of the hearings he would not sit down. He
13 interrupted the Court, and did not respond appropriately to
14 instructions. That, as well as his behavior at the time as
15 well as physical indicators, supports the motion for
16 competency evaluation.

17 Importantly, we didn't grant that motion. The
18 Court did. That went both before Judge Nuffer and Judge
19 Kimball. Mr. Ream -- any contentions he didn't have a
20 sufficient hearing, he had two judges looking at his
21 competency evaluation. It went from Judge Nuffer to Judge
22 Kimball. They both determined, based on what was before
23 them, that a competency evaluation was appropriate. So as
24 to any concerns about that, the evidence is in the record
25 that supports that request.

1 The other thing, candidly, Your Honor, that's
2 underlying a great deal of this is Mr. Ream's frustration
3 with his detention. And we did readdress that with Judge
4 Nuffer when we were before him last week. Mr. Ream reraised
5 that. And it came down to a single concern. Judge Nuffer,
6 I don't think anyone disputes this, quite directly said, you
7 don't have an address. This came down to the fact Mr. Ream
8 has no address. He has no physical location. And Judge
9 Nuffer very directly stated I've never released anyone from
10 custody without an address or someone somewhere that can be
11 reached or contacted while a case is pending. That has been
12 an issue for several months.

13 There have been attempts to try to come up with a
14 place. Mr. Ream initially would not disclose any family
15 members or contacts. So it was his own reluctance to talk
16 to people about where he was going. When we finally had
17 some options, efforts were made to contact people. I think
18 it's fair to say efforts are still ongoing to find an
19 appropriate residence for Mr. Ream.

20 So as to those issues, is there anything more the
21 Court would like to hear from me?

22 THE COURT: Do you wish to address the issue of
23 vindictiveness? He raised it several times.

24 MS. FOJTIK: There's a couple -- vindictiveness is
25 a two-level process. One, you have to assert what right he

1 asserted that he was punished for. And Mr. Ream is
2 asserting we were vindictive from day one. So it's not
3 clear what right he asserted that he was then charged
4 federally with. He had asserted we scooped him up and
5 kidnapped him. So it wasn't in retaliation or in response
6 to something. At that fundamental level, the claims must
7 fail.

8 MR. REAM: Objection. She's ignoring the First
9 Amendment.

10 THE COURT: Mr. Ream, you had your opportunity and
11 nobody interrupted you except when I asked you two
12 questions. You give her the same courtesy, please.

13 Go ahead.

14 MS. FOJTIK: As to his second claim that there has
15 been a double jeopardy violation, this prosecution is
16 somehow in violation of that particular right, there are
17 many safeguards in the system, one being the grand jury.
18 The members of the grand jury found probable cause to charge
19 Mr. Ream. That's one of the checks in the system.

20 MR. REAM: Objection. It was not endorsed by a
21 grand jury. It was endorsed solely by Ms. Fojtik.

22 MS. FOJTIK: To be clear, and the indictment says,
23 the grand jury charges, on the indictment. So it was
24 returned by the grand jury. So that's probable cause. And
25 the decision to prosecute is not vindictive prosecution. It

1 was a choice made by the government to respond to that.

2 As to the others -- let me just have a moment.

3 I come back to the same argument on the competency
4 evaluation. I know he alleged vindictiveness related to
5 that. That's not our decision. That was Judge Kimball's
6 decision and Judge Nuffer's decision. We did file the
7 motion, but the final decision was the Court's. It's
8 unclear how we could be vindictive when the Court made the
9 final ruling. We simply asked the Courts to consider that,
10 and they did.

11 THE COURT: Ms. Fojtik, there are others that
12 Mr. Ream raised, but I think that the Court has what it
13 needs from you in response to the ones that the Court is
14 most concerned with. So thank you.

15 MS. FOJTIK: Your Honor, I do -- I may be
16 premature on this, but I thought of this walking over,
17 candidly, this morning, a way to kind of resolve this. It
18 is very possible the government could file a misdemeanor
19 information in light of Mr. Ream's comments this morning
20 about his behavior, either maybe a misdemeanor assault or a
21 malicious destruction of federal property misdemeanor I
22 believe that we could file, that Mr. Ream's conduct would
23 meet that charge. I think we could file the information and
24 possibly allow him to allocute on what happened that
25 particular day, and I think it would meet it.

1 As is very clear from here, it's very difficult
2 for me to approach Mr. Ream with any type of resolution. He
3 has been reluctant to do that. So it would have to be a
4 situation where we filed a misdemeanor information. He
5 would allocute, I'm assuming. The Court could determine if
6 the facts he acknowledged were sufficient to support that
7 information. So there is that possibility of a way to
8 resolve this. I'm not sure if Mr. Ream would be amenable to
9 that type of situation. With that, I will submit it.

10 THE COURT: You know that I cannot be involved in
11 that type of a discussion.

12 MS. FOJTIK: I understand. I'm just in a
13 difficult situation because I have no one to communicate
14 with on this situation. And as was very evident, there is a
15 lot of personal anger directed at me. So any efforts I make
16 are met with hostility. I just need to put things on the
17 record. I know you can't answer that. I just wanted to put
18 that on the record.

19 THE COURT: Thank you.

20 Mr. Ream, counsel, the Court appreciates the
21 arguments here today.

22 MR. REAM: I would like to rebut some of what she
23 was saying. I believe my co-counsel has been taking notes
24 for me.

25 THE COURT: You may very briefly, Mr. Ream.

1 MR. REAM: Charges, in fact, were filed --
2 misdemeanor charges were, in fact, filed, disorderly
3 conduct. I served four days. Expired a federal detainer.
4 Just extensive process of guilt without contest, you know.
5 Basically a guilty plea by no contest to those charges. And
6 the hardship of jail time is unfathomable to people like the
7 prosecution.

8 The Fourteenth Amendment is the medium between the
9 federal and the state courts, basically regulating them both
10 to the confines of the Constitution. Because the federal
11 court is a superior court which already, without instance or
12 reference, is taken for granted, you know, to be a
13 constitutional court. While the state, they vary a little
14 until the Fourteenth Amendment is brought up, which also
15 remands them to the Constitution and the human rights.

16 She's saying a malicious cause. Well, it's not so
17 much a malicious cause as an improvident cause. It's not
18 beneficial to any American rights to pursue this type of
19 litigation with the instance of occurrence so insignificant.

20 Then the statements made, the documentary
21 evidence, there is really nothing that's incriminating of
22 the portrayal of the situation she portrays to have occurred
23 that day, you know. It really wasn't that drastic. I
24 believe the police were looking for an arrest. They made
25 one. They realized they made a mistake. They dropped it to

1 a misdemeanor. I served the time. It should have been over
2 with, but 57 days later it was double jeopardy.

3 All the intent of me being malicious against the
4 prosecution is disproven by preemptive facts. Everything is
5 backed up by legal provision or can be factually referred to
6 within the discovery. It's a pretty cut-and-dried case.

7 And she's saying that you can't yell fire in the
8 theater. It's true, because it's mischievous and it's
9 belligerent, it's ignorant. I was under sort of a practice
10 and I made a mistake. I lost my composure. I believe
11 that's different. I believe that has more merit than
12 somebody just out to cause trouble.

13 And the fact of the matter is that in the previous
14 hearings before the mental evaluation, I had uninterested or
15 unmotivated counsel. I wasn't allowed to represent myself.
16 They kept telling me to sit down every time I would stand up
17 to represent my point of argument. The unmotivated
18 individual would make legal mumbo jumbo jargon ineffectively
19 and without conviction of any defense at all solely
20 fulfilling a position at my table, a burden to my defense.
21 And this is why the malicious prosecution was so successful.

22 And the detention issue of having some merit or
23 some misdemeanor merit is irrelevant for the same cause of
24 double jeopardy. Four days is a long time when you haven't
25 done anything wrong for ten years and you make a mistake.

1 And indictment was solely served by the
2 endorsement of Ms. Fojtik. There was no grand jury
3 endorsement. I believe that was taken for granted in the
4 indictment. Now she's prosecuting the charges. She still,
5 to this hearing, refuses in a relentless prosecution.

6 And I guess that would be all, Your Honor.

7 THE COURT: Thank you, Mr. Ream.

8 The Court will take the issue of the motion to
9 dismiss under advisement and will issue a ruling as soon as
10 it can. Thank you.

11 (Whereupon, the proceeding was concluded.)
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C E R T I F I C A T E

I hereby certify that the foregoing matter is
transcribed from the stenographic notes taken by me and is a
true and accurate transcription of the same.

PATTI WALKER, CSR-RPR-CP DATED:
Official Court Reporter
350 South Main Street, #146
Salt Lake City, Utah 84101
801-364-5440